THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.17072 OF 2006

DATE: 17-08-2006

Between:

Liyakhath Ali Khan

. . .Petitioner

and

Sri Ankalamma Temple and another

. . .Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.17072 OF 2006

O R A L O R D E R:

The petitioner, pursuant to an auction held in the year 2003 was granted lease of agricultural land admeasuring Ac.12-96 cents in Survey No.787 of S.N.Padu Village. The land admittedly belongs to the first respondent Devasthanam. According to the petitioner, the lease period came to an end on 30-03-2006. He complains that the first respondent on 06.08.2006 notified lands in an extent of Ac.7.52 cents in Survey No.787 of S.N.Padu Village, including the land earlier granted to him on lease as above, for holding a public auction for granting leasehold rights for the period 2006-07 to 2008-09, scheduling the auction on 17.08.2006. He claims to be a landless poor person. He seeks interdiction of the auction process contending that since he is a landless poor person, he should be granted benefits under Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act').

In view of the definition of landless poor person under Section 82 of the Act, since the petitioner was cultivating an extent of Ac.12-96 cents of land belonging to the first respondent Devasthanam, even if he has no other land owned or cultivated by him, he is not entitled to

be treated as a landless poor person, even if the land be dry land. As the period of lease has come to an end by 31.03.2006, there appears no illegality in the auction notification issued by the first respondent. No legal grounds exist for interdicting the auction process.

There are no merits and writ petition is accordingly dismissed.

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(GODA RAGHURAM, J)

17th AUGUST, 2006

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